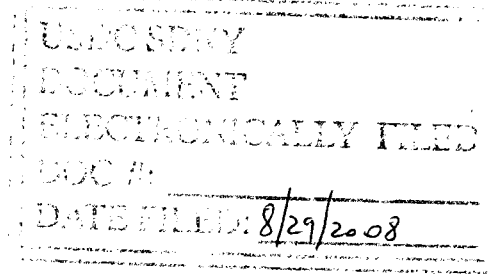
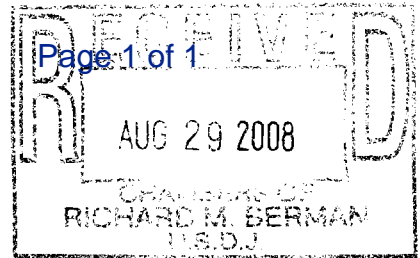


DREIER^{LLP}

ATTORNEYS AT LAW



August 29, 2008

VIA Hand-Delivery

The Honorable Richard M. Berman
United States District Judge
United States Courthouse
500 Pearl Street, Room 650
New York, New York 10007-1312

MEMO ENDORSED

Re: Surfer Internet Broadcasting of Mississippi, LLC v. XM Satellite Radio, Inc. et al., Case Number: 1:08-cv-6357 (RMB)

Dear Judge Berman:

We represent Plaintiffs in the above-referenced action. As instructed by your office, we write concerning the notice rescheduling an Initial Pretrial Conference. According to the notice, the Pretrial conference previously scheduled for September 2, at 9:00 A.M. is now scheduled for 10:00 A.M. on September 2, 2008. We never received notice for the previously scheduled conference at 9:00AM and only received notice rescheduling the Pretrial conference on August 29, 2008. As such, we respectfully request that the conference currently scheduled before the Court on September 2, 2008 be adjourned. We have yet to make any requests for an adjournment or an extension in this action.

Counsel for Defendants have reviewed this letter and agree with its contents.

Application granted. Conference
adjourned to 9/11/08 at 9:30 a.m.

Respectfully submitted,

Nikitas E. Nicolakis

SO ORDERED:

Date: 8/29/08

Richard M. Berman
Richard M. Berman, U.S.D.J.